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Report of the Committee on the Public Lands, on the several petitions of Richard Tervin, Samuel Mims, Edwin Lewis, Joseph Wilson and the Baptist Church at Salem, all of the Mississippi Territory. : January 7th, 1811. Ordered to be printed by the House of Representatives

United States. Congress. House. Committee on Public Lands

R.C. Weightman, Washington (D.C.)

United States. Congress (11th, 3rd session : 1810-1811). House

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REPORT  
OF THE  
COMMITTEE ON THE PUBLIC LANDS,  
ON THE  
*SEVERAL PETITIONS*

OF  
RICHARD TERVIN, SAMUEL MIMS, EDWIN  
LEWIS, JOSEPH WILSON

AND THE  
BAPTIST CHURCH AT SALEM,

ALL OF THE  
*MISSISSIPPI TERRITORY.*

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WASHINGTON CITY:

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*Report of the Committee on the Public Lands, on  
the petition of Joseph Wilson.*

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THE petitioner states, that he filed his claim with the board of commissioners for adjusting claims to land east of Pearl river, and south of the state of Tennessee; that a decision was made in his favor of a pre-emption for 480 acres on the Tom-beekbee river, and a certificate issued in his name, agreeably to law; but being in a state of bad health, unable to attend to his own business, he appointed an agent to attend to his land business, and from the confidence he had in his agent, did not make any inquiry of his conduct, until after the period for recording his certificate, and for paying the first instalment, had expired. He prays that he may be permitted to have his certificate recorded, and to pay the first instalment, with interest thereon agreeably to law.

The committee can discover no reasonable objection against the granting of the prayer of the petitioner. By so doing, no injury can result to the public, and the petitioner may receive a benefit: therefore,

*Resolved*, That the prayer of the petitioner ought to be granted.



*Report of the Committee on the Public Lands on the  
Petition of a Committee, appointed by the Baptist  
Church, at Salem, in the Mississippi Territory.*

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THE petitioners state, that the society, to which they belong, have built a meeting-house, which has cost them eight hundred dollars, on lands belonging to the United States, the situation being more eligible and convenient than any other in the neighborhood: That there is no provision in the laws, by which they can secure the land, except by purchase at public sale, which might subject them to pay, not only the value of the land, but also a considerable part of the value of the house, erected for a public purpose, and that a much larger quantity of land might be offered together for sale than they would wish to purchase: the land is represented by them to be of inferior quality. They pray, that Congress may provide by law for securing to them so much land, and on such terms, as may appear reasonable and proper. It appears to the committee, that the society are not a corporate body, and therefore cannot properly be vested with *property*; or in case of a donation being made, is there any security, that it would be applied, by their trustees, only to the object proposed. The committee therefore cannot recommend any grant of lands: But, as it would be a serious hardship, should the society lose a property, intended for a public purpose, or incur a heavy expense to secure the possession of it, the committee have thought proper to recommend a reservation from sale of a small lot of land, including the ground on which the meeting house is built, for the use of the society. They therefore submit the following resolution:











## REPORT.

The Committee on the Public Lands, to whom was referred the petitions of Richard Tervin, Edwin Lewis, Samuel Mims, Joseph Wilson, and of the Baptist Church at Salem in the Mississippi Territory,

### REPORT :

THAT at the last session of Congress these several petitions were referred to them, on which they made separate reports, which were concurred in, and under order of the House, a bill reported embracing the whole of the cases, which bill was not finally acted on. The committee, on a review of the subjects, and of their former reports, discover no cause for a change of opinion. They therefore submit their former reports.



*Report of the Committee on the Public Lands, on the  
Petition of Richard Terrin.*

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THE petitioner states, that in the year 1794, he made application to the Spanish government for a title to eight hundred acres of land, situate on the east bank of the Tombigbee river; that a warrant of survey for the land was issued in the year 1797. He presented his claim to the board of commissioners for adjusting claims to lands, for confirmation; but was induced to withdraw his claim, under the warrant of survey, it being dated subsequent to the 27th of October, 1795, and to claim the land as a donation. He however failed in his application, as he could not prove, that the land was cultivated in the year 1797. And not being apprised, that he was entitled to a right of pre-emption, made no application for a certificate. In consequence of his not having a pre-emption certificate, he has been unable to avail himself of the provision of a subsequent law, which authorises the register and receiver to grant donation in lieu of pre-emption certificates, when it shall appear, that the cultivation and occupancy had taken place prior to the 30th day of March, 1798. He alleges, that he can produce proof unequivocal that he did occupy the land prior to that period, and states, that it is yet vacant. He prays for a grant of the land, or such other relief as may appear just.

There is no evidence before the committee of the fact, that the petitioner did actually occupy and cultivate the land prior to the 30th of March, 1798. They cannot, therefore, recommend a confirmation of his claim: but, if the petitioner has correctly stated the facts, in his petition, he is justly entitled to a donation certificate. It occurs to the com-



mittee, that the plan, best calculated to secure the petitioner in his property, and the public against imposition, is to authorise the register and receiver of public monies to issue a donation certificate to the petitioner, on his producing satisfactory evidence to them, that his settlement and occupancy had been made and taken place according to the laws in that case made and provided. *Therefore, resolved,* That the petitioner be permitted to substantiate his claim to a donation certificate, and that he produce the proof of his cultivation and settlement to the register and receiver of public monies of the district east of Pearl river, in the Mississippi territory, who shall decide thereon.



*Report of the Committee on the Public Lands, on the  
Petition of Samuel Mims.*

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The Committee on the Public Lands, to whom was referred the petition of Samuel Mims, of the Mississippi Territory,

REPORT:

THAT, prior to the year 1795, the petitioner inhabited and cultivated a tract of land in Washington county, in said territory, believing the same to be vacant, but afterwards finding that it was covered by two British patents, granted to a certain William Clark, who was, at that time, deceased, the petitioner, in order to quiet himself in his possession, purchased of one Abraham Gindrat, the legal representative of said William Clark, deceased, for a valuable consideration, all his right and title to said lands, and has continued to inhabit and cultivate the same, without interruption, until this time. That the petitioner filed his claim, with the register of the land office, east of Pearl river, in the territory aforesaid, for the quantity of five hundred and twenty-four acres of land, being the quantity covered by said British grants.

It appears also to your committee, that the claim of the petitioner was rejected in consequence of a supposed defect in the power of the said Abram Gindrat, to convey the right of said William Clark, deceased, who was the original patentee.

Your committee think it unnecessary to examine the question, whether Abram Gindrat was fully authorised to convey the land, as the legal representative of William Clark, deceased, inasmuch as the defect, if any exists, in the transfer, is properly



a question, between the heirs of William Clark, deceased, and the petitioner, to be investigated in the ordinary course of judicial proceedings; and it being manifest, that the United States have no title to the said land, because the same was granted by the British government, and has been inhabited and cultivated prior to the year 1795, until this time. Your committee respectfully submit the following resolution:

*Resolved*, That Samuel Mims be confirmed in his title to the quantity of five hundred and twenty-four acres of land, purchased by him of the legal representative of William Clark, deceased, so as not to deprive the heirs of said Clark of any legal remedy, which they may have, for the recovery of said land, from the said Samuel Mims, his heirs or assigns.



*Report of the Committee on the Public Lands on the  
Petition of Edwin Lewis.*

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IT appears, that the petitioner presented his claim to the board of commissioners for adjusting claims to land, east of Pearl river, to a pre-emption to 696 acres of land, situate on the Tombigbee river: That the board, in deciding on his claim, adjudged him to be entitled to a right of pre-emption to 160 acres; and, in making the location, includes, in the centre of the tract, a cantonment, at that time occupied by the troops of the United States, for which, in the certificate of pre-emption, five acres are reserved to the United States for their future use and disposition. The petitioner considers himself aggrieved by the decision of the board, inasmuch as they have reduced the quantity of land he claimed, from 696 to 160 acres; and the location he alleges does not include his improvement; and the reserve of five acres for a military station in the centre of his tract, he views as illegal, unnecessary and injurious to his interest. It appears, by a plat, produced by the petitioner, that there is no vacant land adjoining to the tract assigned him. Had the 696 acres been adjudged to him, it would have interfered with the lands adjudged to his neighbors. And in case the location, specified in the certificate, does not include his improvement, the register and receiver of public monies for the district, are authorised, by the existing law, to give relief in such cases. As to the military cantonment, in the centre of his tract, the committee have no information on the subject, that would enable them to decide the propriety of abandoning the station, but are of opinion, that so soon as the cantonment shall be finally abandoned, the petitioner should have a



preference in becoming the purchaser. *Therefore, resolved,* That the petitioner shall have a preference in becoming the purchaser of five acres of lands situate in the centre of his farm, whenever the said land shall be offered for sale.